

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10CR87
FINANCIAL LITIGATION UNIT**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	
JOEL KIMBLE,)	
)	ORDER
Defendant,)	
and)	
)	
THE METAL WORKS,)	
)	
Garnishee.)	
)	

Pending before the Court is Defendant's Motion to Move Garnishment Proceeding to South Carolina [# 45]. The Government addressed this issue in its Response to Defendant's Objections to Garnishment and Request for Hearing [# 46].

On April 7, 2012, Defendant plead guilty to theft or embezzlement in connection with health care and wire fraud in violation of 18 U.S.C. §§ 669, 1324 [# 17]. On May 25, 2012, the Court entered a judgment against Defendant. Defendant was sentenced to two terms of 18 months of imprisonment to run concurrently, followed by 3 years of supervised release, and ordered to pay \$284,850.98 in assessment and criminal restitution [# 27]. On January 11, 2013, the Court modified

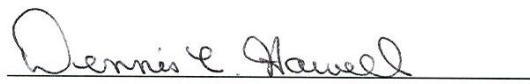
Defendant's term of imprisonment to two terms of 12 months and 1 day to run concurrently while retaining the original amount for assessment and criminal restitution [# 35].

On October 4, 2017, the Government moved for a writ of continuing garnishment as to Defendant's wages [# 38]. On October 5, 2017, the writ issued to The Metal Works, Defendant's employer. [# 40]. On October 6, 2017, the Government served the writ on The Metal Works as Garnishee and served of the notice of post-judgment garnishment on the Defendant. [# 41, # 42]. On October 20, 2017, Defendant's employer filed an Answer to the writ [# 43]. The Clerk of Court notified the Defendant that a request for a hearing must be made by written motion. On November 3, 2017, Defendant filed a pro se motion asking to transfer the garnishment proceeding to the District of South Carolina.

On November 17, 2017, the Court denied Defendant's Objection to Garnishment and Request for a Hearing [# 47]. Because this motion was denied, the Court does not find good cause at this time to transfer Defendant's garnishment to the District of South Carolina.

Therefore, the Court **DENIES** Defendant's Motion to Move Garnishment Proceeding to South Carolina [# 45].

Signed: November 21, 2017



Dennis L. Howell
United States Magistrate Judge

